



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAFAEL MARTINEZ,

Plaintiff,

v.

JAMIE LAMANNA, Superintendent, Green
Haven Correctional Facility; and ROBERT
BENTIVEGNA, Medical Director, Green
Haven Correctional Facility,

Defendants.
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ORDER

19 CV 3348 (VB)

Handwritten: 9/16/20
Copies Mailed/Faxed
Chambers of Vincent L. Briccetti
Dtr

By Opinion and Order dated April 28, 2020, this Court granted defendants' motion to dismiss the complaint in this matter. (Doc. #30). The Clerk entered Judgment on April 29, 2020. (Doc. #31). Plaintiff was represented by counsel in this matter. (Doc. #16).

On August 3, 2020, the Court received notice that plaintiff filed a pro se notice of appeal, dated July 25, 2020. (Doc. #33). On September 9, 2020, the Court received from plaintiff a motion to proceed on appeal in forma pauperis. (Doc. #34).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Judgment or from the April 28 Opinion and Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962). Accordingly, the plaintiff's motion is DENIED.

Dated: September 16, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge